

### REMARKS

**[0007]** Applicant respectfully requests reconsideration and allowance of all of the claims of the application in view of the foregoing claim amendments and the following remarks. The status of the claims is as follows:

- Claims 1-3, 5-7, 43-47, 49, and 51 are currently pending
- Claims 4, 8, and 9 were previously canceled and Claims 48 and 50 are canceled herein without prejudice to or disclaimer of the subject matter recited therein
- Claims 10-42 were previously withdrawn while reserving the right to recite the subject matter recited therein in subsequent continuation or divisional applications
- Claims 1, 43, 49, and 51 are amended herein

**[0008]** Support for the amendments to Claims 1 and 43 is found in the specification in at least paragraphs [0026], [0028], and [0048] – [0052]. No new matter has been added.

### Claim Objections

**[0009]** Claims 50 and 51 were objected to as allegedly being substantial duplicates of Claims 48 and 49, respectively. Initially, Applicant respectfully notes that Claim 50 has been canceled, thus obviating the objection with respect to Claim 50. As stated above, it is Applicant's understanding that Examiner Gelagay agreed to withdraw the claim objections with respect to Claim 51. Accordingly, Applicant hereby amends Claim 51 in the manner discussed during the interview and respectfully requests that the claim objections be reconsidered and withdrawn.

### **Claims 1-3, 5-7, 43-47, 49, and 51 Comply With § 112, 2nd Paragraph**

[0010] Claims 1, 43, and 48-50 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses this rejection. Initially, Applicant respectfully notes that Claims 48 and 50 have been canceled, thus obviating the rejection with respect to the above claims.

[0011] However, in spite of Applicant's traversal, without acquiescing to the propriety of the rejection, and for the sole purpose of expediting prosecution of the present application, Applicant hereby amends Claims 1, 43, 49, and 51 in the manner set forth above. Further, it is Applicant's understanding that Examiner Gelagay agreed to withdraw the rejections under 35 U.S.C. § 112, second paragraph, in view of the discussion during the interview. Accordingly, Applicant respectfully submits that Claims 1-3, 5-7, 43-47, 49, and 51 are definite and further requests that the rejection be reconsidered and withdrawn.

### **Cited Documents**

[0012] The following documents have been applied to reject one or more claims of the Application:

- NGSCB: Microsoft, "Hardware Platform for the Next-Generation Secure Computing Base" WINDOW PLATFORM DESIGN NOTES, 'Online! 4 December 2001, Retrieved from the Internet:  
  
URL:<http://www.microsoft.com/whdc/archive/DRM.msp>] \*the whole document\*
- Risan: Risan et al, U.S. Patent Application Publication No. 2005/0060542
- Lyle: Lyle, U.S. Patent No. 7,131,004

- Peinado: Peinado et al, W.O. Publication No. WO 01/52020
- Lee: Lee et al, U.S. Patent No. 7,233,666

**Claims 1-3, 5-6 and 43-47 are Non-Obvious over NGSCB in view of Risan, in further view of Lyle**

**[0013]** Claims 1-3, 5-6 and 43-47 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over NGSCB in view of Risan, in further view of Lyle. Applicant respectfully traverses the rejection and further requests that the rejection be reconsidered and withdrawn. However, in spite of Applicant's traversal, without acquiescing to the propriety of the rejection, and for the sole purpose of expediting allowance of the present application, Applicant hereby amends independent Claims 1 and 43 in the manner set forth above.

**[0014]** In addition, as stated above, it is Applicant's understanding that Examiner Gelagay agreed that independent Claims 1 and 43, as amended as proposed during the interview, appear to be patentable over at least the references of record. Nevertheless, Applicant hereby submits the following remarks with respect to independent Claims 1 and 43.

**Independent Claim 1**

**[0015]** For at least the reasons set forth below, Applicant respectfully submits that the above combination of references neither teaches nor suggests at least the following features recited in independent Claim 1:

utilizing, by a consumer device, a public key associated with a component downstream from a media playback application to establish a secure communication channel between the media playback application

and the component downstream from the media playback application, the utilizing establishing trust between the media playback application and the downstream component;

enabling, by the consumer device, the media playback application to instruct the downstream component, by a command using the secure communication channel, to enable one or more of a number of different types of content protection technologies to protect media content that is provided over a physical connector to an output device;

requesting, by the media playback application of the consumer device, status information from the downstream component using the secure communication channel;

ascertaining, by the consumer device and based on the status request, whether the one or more content protection technologies are supported by hardware for the particular physical connector after the downstream component has verified an integrity of the command and the status request; and

choosing, by the consumer device and based on the ascertaining, to play a limited version of the media content if the one or more content protection technologies are not wholly supported by hardware for the particular physical connector.

Applicant has amended independent Claim 1 to recite “utilizing...a public key associated with a component downstream from a media playback application..., the utilizing establishing a trust between the media playback application and the downstream component” and “ascertaining...after the downstream component has verified an integrity of the command and the status request” (emphasis added). Furthermore, Applicant has reviewed the references cited in the Action and respectfully submits that the cited references fail to teach or suggest the above recitations.

**[0016]** Moreover, the Action acknowledges that both NGSCB and Risan “do not explicitly disclose requesting status information from the down stream component and ascertaining, based at least in part on the status request, whether the one or more content protection technologies are supported by the hardware for the particular physical connector” (Office Action, page 5). However, the Action further asserts that

Lyle teaches the above recitations. With respect to Lyle, Applicant respectfully disagrees.

**[0017]** For instance, Lyle is directed to a communication system in which encrypted video data is transmitted from a transmitter to a receiver (Abstract). More specifically, Lyle teaches that the receiver transmits “status information with predetermined timing (and optionally in encrypted form) to the transmitter during decryption of encrypted data” and that “the transmitter is configured to continue transmission of encrypted data only after determining that the receiver has transmitted appropriate status information with the predetermining timing” (Col. 12, lines 46-54). Further, Lyle teaches that “upstream transmission of status information directly to the upstream device...reduces or eliminates the potential for an attacker to re-route the video stream away from the intended target (Col. 24, lines 25-29).

**[0018]** However, despite the foregoing teachings, it is respectfully submitted that Lyle does not teach or suggest “requesting...status information from the downstream component using the secure communication channel,” as presently recited in Claim 1. For example, although Lyle teaches that the receiver transmits status information to the transmitter during decryption of encrypted data, Applicant submits that Lyle fails to teach or suggest “requesting...status information...,” as presently recited. That is, in order for Lyle to teach or suggest the above recitation, the transmitter described in Lyle would be required to request that the receiver send status information to the transmitter using a secure communication channel (emphasis added). However, Applicant respectfully submits that Lyle simply fails to teach or suggest that the transmitter makes such a request. Further still, even assuming for the sake of argument that Lyle did in

fact teach or suggest “requesting status information,” to which Applicant does not acquiesce, Applicant submits that Lyle still fails to teach or suggest that such the request for status information is via a “secure communication channel,” as presently recited. Therefore, Applicant respectfully submits that Lyle does not teach or suggest the foregoing recitation.

**[0019]** Furthermore, it is respectfully submitted that Lyle also does not teach or suggest “ascertaining, by the consumer device and based on the status request, whether the one or more content protection technologies are supported by hardware for the particular physical connector,” as presently recited. Rather, Lyle teaches that certain “attacks can be prevented...by configuring the transmitter to compare its own key selection vector (“KSV”) value with the KSV value sent to it by the receiver (or the attacker) during the authentication exchange, to allow the authentication process to proceed if the two KSV values are not equal, and to prevent the authentication from succeeding if the two KSV values are equal” (Col. 15, lines 42-49). That is, Lyle teaches determining whether an authentication process should proceed by comparing a KSV value of the transmitter with a KSV value sent to the transmitter either by the receiver or the attacker. However, despite the foregoing, Applicant respectfully submits that Lyle simply fails to teach or suggest “ascertaining...whether the one or more content protection technologies are supported by hardware for the particular physical connector,” as presently recited (emphasis added).

**[0020]** In addition, Applicant has amended independent Claim 1 to recite “choosing, by the consumer device and based on the ascertaining, to play a limited version of the media content if the one or more content protection technologies are not wholly

supported by hardware for the particular physical connector.” Although the Action acknowledges that NGSCB, Risan, and Lyle do not “explicitly disclose” the above recitation, the Action further asserts that Lee (at Col. 4, line 36 – Col. 5, line 3) teaches the foregoing recitation (Office Action, pages 8-9; with respect to canceled Claims 48 and 50). With respect to Lee, Applicant respectfully disagrees.

**[0021]** Rather, the Examiner-cited portions of Lee teach a “High-bandwidth Digital Content Protection System” (“HDCP”) “that protects video data transmitted from a host...to a display device” (Col. 4, lines 37-56). Further, Lee teaches that, “in an HDCP system, an authentication protocol is used to indicate to the HDCPT video transmitter that a given HDCP video receiver is authorized to received encrypted video data” (Col. 4, lines 63-65). Lastly, Lee teaches that the “HDCP video transmitter begins in an idle state, and waits for an event to trigger the authentication protocol, where triggering events include, e.g., completion of certain phases of an operating system at startup or the hot-plug detection of a video receiver” (Col. 4, line 66 – Col. 5, line 3). In other words, Applicant submits that Lee teaches that the HDCP uses an authentication protocol to ensure that a particular HDCP video receiver is authorized to receive encrypted video data.

**[0022]** On the other hand, independent Claim 1 recites “choosing...to play a limited version of the media content if the one or more content protection technologies are not wholly supported by hardware for the particular physical connector.” Applicant respectfully submits that Lee neither teaches nor suggests the above recitation. For instance, Lee merely teaches determining whether a video receiver is authorized to receive encrypted video data and in no way relates to playing “a limited version of the

media content if the one or more content protection technologies are not wholly supported by hardware for the particular physical connector. Accordingly, for at least the foregoing reasons, it is respectfully submitted that independent Claim 1 is patentable over NGSCB, Risan, Lyle, and Lee, both singularly and in combination with one another.

#### Independent Claim 43

**[0023]** Independent Claim 43 recites features similar to those discussed above with regard to independent Claim 1. Accordingly, Applicant respectfully submits that independent Claim 1 is also patentable over NGSCB, Risan, Lyle, and Lee, both singularly and in combination with one another, for at least the reasons set forth above.

#### Dependent Claims 2, 3, 5-7, 43-47, 49, and 51

**[0024]** As stated above, independent Claims 1 and 43 are patentable over NGSCB in view of Risan, in further view of Lyle, in further view of Lee. Accordingly, dependent Claims 2, 3, 5-7, 43-47, 49, and 51 are also patentable over the above combination of references by virtue of their dependency on independent Claims 1 and 43, as well as for the additional features that Claims 2, 3, 5-7, 43-47, 49, and 51 recite.

**[0025]** Further, without any teaching or suggestion as to how or even why the descriptions in NGSCB may be modified, it is further submitted that one of ordinary skill would not have been motivated to modify the implementations described by NGSCB with Risan, Lyle, or Lee, nor would it have been obvious to try. Further, as NGSCB fails



to teach or suggest several features recited in independent Claims 1 and 43, and Risan, Lyle, and Lee fail to remedy the deficiencies in NGSCB set forth above, Applicant respectfully submits that one of ordinary skill in the art would not have sought to modify NGSCB using such references. Likewise, as the references noted above lack several features recited in independent Claims 1 and 43, it would not have been obvious to try, at the time of the invention, to make the inventions as presently claimed.

**Claims 7, 49 and 51 are Non-Obvious over NGSCB in view of Risan, in further view of Lyle, in further view of Peinado**

**[0026]** Claims 7, 49 and 51 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over NGSCB in view of Risan, in further view of Lyle, in further view of Peinado. Applicant respectfully traverses the rejection.

**[0027]** As stated above, independent Claims 1 and 43 are patentable over NGSCB in view of Risan, in further view of Lyle, in further view of Lee. Furthermore, Peinado neither remedies the deficiencies in NGSCB, Risan, Lyle, and Lee noted above with respect to independent Claims 1 and 43, nor does the rejection make any arguments to that effect. As a result, for at least the foregoing reasons, independent Claims 1 and 43 are patentable over NGSCB, Risan, Lyle, Lee, and Peinado, both singularly and in combination with one another. Accordingly, dependent Claims 7, 49, and 51 are also patentable over the above combination of references by virtue of their dependency on independent Claims 1 and 43, as well as for the additional features that each claim recites.

**[0028]** Further, without any teaching or suggestion as to how or even why the descriptions in NGSCB may be modified, it is further submitted that one of ordinary skill

would not have been motivated to modify the implementations described by NGSCB with Risan, Lyle, Lee, or Peinado, nor would it have been obvious to try. Further, as NGSCB fails to teach or suggest several features recited in Claims 7, 49, and 51, and Risan, Lyle, Lee, and Peinado fail to remedy the deficiencies in NGSCB set forth above, Applicant respectfully submits that one of ordinary skill in the art would not have sought to modify NGSCB using such references. Likewise, as the references noted above lack several features recited in Claims 7, 49, and 51, it would not have been obvious to try, at the time of the invention, to make the inventions as presently claimed.

**Claims 48 and 50 are Non-Obvious over NGSCB in view of Risan, in further view of Lyle, in further view of Lee**

**[0029]** Claims 48 and 50 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over NGSCB in view of Risan, in further view of Lyle, in further view of Lee. Applicant respectfully traverses the rejection. Nevertheless, in spite of Applicant's traversal, without acquiescing to the propriety of the rejection, and for the sole purpose of expediting allowance of the present application, Applicant hereby cancels Claims 48 and 50. Accordingly, Applicant respectfully requests that the rejection be reconsidered and withdrawn.

**[0030]** Thus, NGSCB, Risan, Lyle, Lee, and Peinado, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the recitations of independent Claims 1 and 43. Accordingly, Applicant respectfully submits that independent Claims 1 and 43 are patentable over the proposed combination of references. Furthermore, dependent Claims 2, 3, 5-7, 43-47,

49, and 51 are also patentable over the above combination of references by virtue of their dependency on independent Claims 1 and 43, as well as for the additional features that each claim recites. Applicant also respectfully requests individual consideration of each dependent claim.

**[0031]** Therefore, for at least the foregoing reasons, it is respectfully submitted that Claims 1-3, 5-7, 43-47, 49, and 51 are not obvious over the various combinations of NGSCB, Risan, Lyle, Lee, and Peinado, and therefore, the present rejections under 35 U.S.C. § 103(a) should be reconsidered and withdrawn.

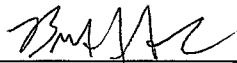
### **Conclusion**

**[0032]** For at least the foregoing reasons, it is respectfully submitted that Claims 1-3, 5-7, 43-47, 49, and 51 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

**[0033]** The arguments and amendments presented herein were necessitated by the most recent Office Action and the telephone interview between Applicant's representative and Examiner Gelagay dated July 9, 2009, and could not have been presented previously because the Office Action rejected claims based on new art not previously of record. If any issue remains unresolved that would prevent allowance of this case, **Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.**

Respectfully Submitted,

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